

REMARKS

Independent claims 8 and 11 have been amended to stress that the multilayer film consists of a stack of alternating layers of high reflective index material and low reflective index material, and that the adjustment is by cutting away from the multilayer stack. This clearly distinguishes Applicant's claimed invention from the primary reference Sweeney et al. who teaches modifying an absorber film formed on a multilayer film. That is to say, in Sweeney et al. it is not the multilayer film of high and low reflective index material that is cut to adjust the wavefront phase. Rather, in Sweeney et al. it is an absorber film formed on the multilayer film of high and low reflective index materials that is cut to adjust the wavefront phase.

Applicant's claims use the closed language "consisting of" in defining the multilayer film stack, and it is that multilayer film stack that is cut by Applicant's claimed method to adjust the wavefront phase. Accordingly, Applicant's claimed invention is fundamentally different from Sweeney et al. Thus, neither claim 8 nor claim 10 which depends thereon can be said to be anticipated by, or for that matter obvious from Sweeney et al.

Turning to rejection of claims 9 and 11 as obvious from Sweeney et al. in view of Murakami et al., claim 9 is dependent on claim 8. The deficiencies of Sweeney et al. vis-à-vis claim 8 are discussed above. It is not seen that Murakami et al. supplies the missing teachings to Sweeney et al. to achieve or render obvious claim 8. Murakami et al. has been cited as teaching a number of cycles larger than necessary to saturate a reflectance. Even assuming arguendo Murakami et al. is as the Examiner states, the aforesaid basic and essential teachings missing from Sweeney et al. are not found in Murakami et al. Thus, no combination of

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Sweeney et al. and Murakami et al. reasonably could be said to achieve or render obvious claim 8 or claim 9 which depends thereon.

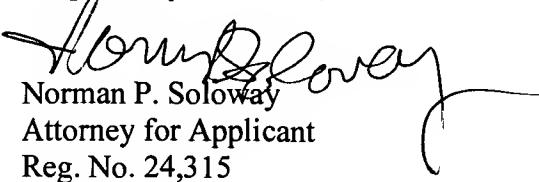
Similar comments apply to claim 11, which, as noted above, has been amended to use the closed language "consisting of" in defining the multilayer film, and to require cutting away a portion of the multilayer film. Accordingly, claim 11 also cannot be said to be obvious from Sweeney et al. taken with Murakami et al.

New claims 28-30 have been added to better scope the invention, and find support on page 13 of the Specification. New claims 28-30 are directly or indirectly dependent on claim 10, and are allowable for the reasons above adduced relative to claim 10, as well as for their own additional limitations.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,


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